

How CIA Uses Private

By LARRY TELL

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AT LEAST 147 private lawyers and law firms have performed secret legal work for the Central Intelligence Agency since 1972, agency officials have acknowledged in court papers.

The lawyers weren't identified, but their roles were described in some detail in the documents, CIA affidavits filed in answer to a Freedom of Information Act lawsuit. The CIA said the private lawyers were routinely used in legal matters where the appearance of a known government attorney would have drawn attention to covert CIA operations.

The affidavits said the lawyers' work included:

- Handling legal affairs for the agency's worldwide network of businesses that are used as "covers" for intelligence-gathering operations.
- Serving as officers and directors of those corporations.
- Probating the estates of foreign-based agents who die abroad.
- Securing legal name changes for foreign defectors.
- Performing a multitude of non-legal services, such as the purchase or rental of "safe" houses to be used in connection with clandestine activities.

These general descriptions of the unnamed lawyers' roles have been submitted to the U.S. District Court in the District of Columbia in two affidavits by John Blake, CIA deputy director for administration.

Mr. Blake made the disclosures voluntarily in September and October, 1978, in response to a suit filed by former national security aide Morton Halperin. The case has drawn little publicity.

Mr. Halperin is seeking to compel the CIA to disclose the names of all private attorneys the agency has retained since June 17, 1972, the date of the Watergate break-in. He also wants to know the lawyers' fees. *Halperin v. CIA*, 77-18591.

The government, in its answering briefs, argues that such information must be withheld from the public because it could compromise intelligence operations and possibly endanger the lives of lawyers working in other countries. Further, they say the attorneys fees are part of the CIA budget and therefore are exempted from public disclosure by the National Security Act of 1947.

U.S. District Judge Oliver C. has been considering a CIA dispositive motion since it was argued in March. A decision is expected shortly.

Since a series of congressional investigations of the CIA several years ago, it has been known that the agency retains lawyers and other private professionals from time to time. But Mr. Blake's court filings appear to shed light for the first time on the extent and nature of lawyer cooperation with the intelligence agency.

Unsung Story

"One of the unsung good stories of the agency has been the cooperation with lawyers over the years," John S. Warner, former CIA general counsel, told the National Law Journal. Mr. Warner is now in private practice with the Washington, D.C., firm of Bierbower & Rockefeller.

Mr. Warner said "a couple" of CIA operatives in foreign countries have used associations with American law firms as covers for clandestine activities. He declined to elaborate.

Mr. Warner said lawyers who have done secret contract work for the CIA very seldom had any written retainer agreements.

"One of our problems, if anything, was that too many times the lawyers didn't want to get paid anything," he said. "They were happy to contribute to the national interest."

Mr. Warner said that early in the agency's 32-year history, then CIA Director Allen Dulles established a rule that all outside lawyers doing work for the agency must be paid.

The freedom of information lawsuit is seeking to obtain details of those payments to protect the public interest since secret retainer agreements "offer a tremendous potential for fraud, mismanagement and favoritism," according to Mr. Halperin's attorney, Washington, D.C., lawyer William Dobrovir.

He contends releasing the lawyers' names and fees won't necessarily reveal the nature of the intelligence work in which they participated.

No Records

In a letter to Mr. Dobrovir dated May 5, 1978, CIA Assistant General Counsel John Peyton said the agency keeps no central index of the attorneys it retains.

But, Mr. Peyton wrote, "recollections of attorneys and other officers of the agency have resulted in the identification of 147 attorneys or law firms whom the agency has employed . . . in the furtherance of the agency's covert responsibilities."

Mr. Dobrovir quoted from that letter in his court filings on the case.

The confidential nature of the legal work the attorneys were given often made them walk a tightrope of legal ethics.

Since many corporate transactions are bound by securities and tax laws and require reports to be filed with government agencies, attorneys could have been put in a position of having to file misleading reports to disguise the true nature of the "cover" corporation.

Mr. Warner said the agency "took care never to file any false documents," an accomplishment that often required cooperation from public officials. He gave this example:

Once, he said, an attorney was hired to probate the estate of a CIA agent killed in Europe.

The agent ostensibly had been a corporate employee.

According to Mr. Warner, the lawyer chosen by the agent's family "looked like a decent American, so we cleared him."

But the lawyer balked at filing papers falsely identifying the man's employment. So the CIA briefed the probate judge and the agent's line of work was left unmentioned in the court papers.

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